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13 Attorneys for Relator Manuel Alcaine

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 UNITED STATES, and the STATE OF)
18 CALIFORNIA, *ex rel.* MANUEL ALCaine,)

19 Plaintiff and Relator,)

20 v.)

21 BRADEN PARTNERS, LP, TEIJIN PHARMA)
22 USA LLC, PETER B. KELLY AND CHAD)
23 HEATH MARTIN, AS INDIVIDUALS AND)
24 PARTNERS OF BRADEN)
25 PARTNERS, LP, SAN LEANDRO SLEEP)
26 DISORDERS CENTER, PC CONTRA CONSTA)
27 SLEEP CENTER, LLC, DRS. KIRIT PATEL,)
28 JAGJEET KALRA, AND RON KASS, D.B.A.)
HAYWARD EB SLEEP DISORDERS)
CENTER; DR. MAN KONG LEUNG, D.B.A)
PACIFIC COAST SLEEP DISORDERS;)
AND DR. HARAMANDEEP SINGH,)
D.B.A. SLEEP MEDICINE SPECIALISTS)
OF CALIFORNIA,)

Defendants.)

No. 10-CV-4597 PJH

STIPULATION OF VOLUNTARY
DISMISSAL OF REMAINING
CLAIMS AND ORDER THEREON

JOINT STIPULATION OF VOLUNTARY DISMISSAL OF REMAINING CLAIMS, AND ORDER THEREON

OHSUSA:766583391.1

1 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the
2 False Claims Act ("FCA"), 31 U.S.C. § 3730(b)(1), the Relator Manuel Alcaine, and Braden Partners,
3 LP, doing business as Pacific Pulmonary Services (PPS) (collectively the "Parties"), hereby stipulate as
4 follows:

- 5 1. On April 17, 2017, the United States, the State of California, the Relator Manuel Alcaine
6 (hereinafter "Relator" or "Alcaine") and Defendant Braden Partners, LP (hereinafter "PPS"),
7 entered into a settlement agreement resolving all claims asserted on behalf of the United
8 States and the State of California against PPS and Teijin Pharma USA LLC ("TPUS")
9 pursuant to the FCA, 31 U.S.C. §§ 3729-3733, and the California False Claims Act, Cal.
10 Government Code § 12650 *et seq.* in the above-captioned action ("Qui Tam Settlement
11 Agreement").
- 12 2. The Qui Tam Settlement Agreement did not address or dismiss Relator's entitlement to
13 attorneys' fees and costs pursuant to 31 U.S.C. § 3730(d) or Relator's employment claim
14 under 31 U.S.C. § 3730(h) (Count VI).
- 15 3. On April 19, 2017, Relator Manuel Alcaine, his counsel and PPS entered into a settlement
16 agreement regarding Count VI of the above captioned complaint brought under 31 U.S.C.
17 § 3730(h) as well as attorney's fees and costs pursuant to 31 U.S.C. § 3730(d). ("Relator
18 Settlement Agreement.")
- 19 4. Pursuant to the Relator Settlement Agreement, and subject to Relator's rights to pursue the
20 remedies set forth in Paragraphs 7, 9 and 12 of the Qui Tam Settlement, an action for breach
21 of PPS' obligation to pay under the Qui Tam Agreement, and to seek attorneys' fees and
22 costs in doing so incurred after the date of the Relator Settlement Agreement, the Relator
23 hereby dismisses with prejudice any and all claims he has under 31 U.S.C. Section 3730(d)
24 and 31 U.S. C. Section 3730(h) against PPS, TPUS, and defendants Peter B. Kelly and Chad
25 Heath Martin.
- 26 5. Once the above referenced claims are dismissed, no other claims remain pending in this
27 action.
28

JOINT STIPULATION OF VOLUNTARY DISMISSAL OF REMAINING CLAIMS, AND ORDER THEREON

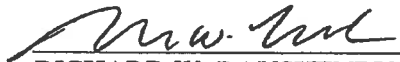
OHSUSA:766583391.1

1 IT IS SO STIPULATED.

2 FOR RELATOR MANUEL ALCAINE

3
4 DATED: 4/29/17

BY:



RICHARD W. RAUSHENBUSH
BARBARA GIUFFRE
Attorneys for *Qui Tam* Relator

7
8 DATED: 4/29/17

BY:

 as authorized by

JANET REHNQUIST
Rehnquist Law PLLC
Attorney for *Qui Tam* Relator

12 FOR DEFENDANT BRADEN PARTNERS DBA PPS

14 DATED: _____

BY:

WALTER F. BROWN, JR.
AMY M. ROSS
MICHAEL D. WEIL
Orrick, Herrington & Sutcliffe LLP
Attorneys for Braden Partners LP dba PPS

19 DATED: _____

BY:

BARRY D. ALEXANDER
Polsinelli, PC
Attorney for Braden Partners L.P. dba PPS

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: _____, 201_

By:

Honorable PHYLLIS J. HAMILTON
United States District Judge

28 JOINT STIPULATION OF VOLUNTARY DISMISSAL OF REMAINING CLAIMS, AND ORDER THEREON

1 IT IS SO STIPULATED.

2 FOR RELATOR MANUEL ALCAINE

3
4 DATED: _____

BY:

RICHARD W. RAUSHENBUSH
BARBARA GIUFFRE
Attorneys for *Qui Tam* Relator

6
7
8 DATED: _____

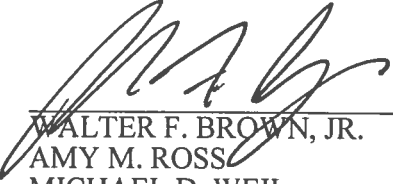
BY:

JANET REHNQUIST
Rehnquist Law PLLC
Attorney for *Qui Tam* Relator

10
11
12 FOR DEFENDANT BRADEN PARTNERS DBA PPS

13
14 DATED: 4-24-17

BY:


WALTER F. BROWN, JR.
AMY M. ROSS
MICHAEL D. WEIL
Orrick, Herrington & Sutcliffe LLP
Attorneys for Braden Partners LP dba PPS

16
17
18
19 DATED: _____

BY:

BARRY D. ALEXANDER
Polsinelli, PC
Attorney for Braden Partners L.P. dba PPS

20
21
22
23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25 DATED: _____, 201_

By:

Honorable PHYLLIS J. HAMILTON
United States District Judge

26
27
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JOINT STIPULATION OF VOLUNTARY DISMISSAL OF REMAINING CLAIMS, AND ORDER THEREON

1 IT IS SO STIPULATED.

2 FOR RELATOR MANUEL ALCAINE

3
4 DATED: _____

BY:

RICHARD W. RAUSHENBUSH
BARBARA GIUFFRE
Attorneys for *Qui Tam* Relator

7
8 DATED: _____

BY:

JANET REHNQUIST
Rehnquist Law PLLC
Attorney for *Qui Tam* Relator

12 FOR DEFENDANT BRADEN PARTNERS DBA PPS

14 DATED: _____

BY:

WALTER F. BROWN, JR.
AMY M. ROSS
MICHAEL D. WEIL
Orrick, Herrington & Sutcliffe LLP
Attorneys for Braden Partners LP dba PPS

18
19 DATED: 5/1/17

BY:


BARRY D. ALEXANDER
Polsinelli, PC
Attorney for Braden Partners L.P. dba PPS

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: July 31, 2017

By:


Honorable PHYLLIS J. HAMILTON
United States District Judge

28 JOINT STIPULATION OF VOLUNTARY DISMISSAL OF REMAINING CLAIMS, AND ORDER THEREON